

# In The United States Court of Federal Claims

No. 07-680C

(Filed: July 3, 2008)

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5860 CHICAGO RIDGE, LLC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

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A telephonic conference was held in this case today. Plaintiff was represented by Ms. Susan Schor, and defendant by Robert E. Chandler. At the conference, the court considered two motions filed by defendant: a motion to extend the time for discovery filed on June 18, 2008; and a motion to compel deposition testimony from Thomas Boucher. Based upon the discussions held at this conference:

- (i) Defendant's motion to extend fact discovery to and including July 28, 2008, is hereby **GRANTED**; all other discovery deadlines will remain the same.
- (ii) Defendant's motion to compel deposition testimony from Thomas Boucher is **GRANTED**; his deposition shall be rescheduled within the fact discovery period extended above and notice of the deposition date and time shall be filed with the court. Based upon the circumstances presented, the court concludes that no expenses will be assessed against plaintiff under RCFC 37.
- (iii) No later than 5:00 p.m. today, July 3, 2008, defendant shall file a list of the names of the individuals it intends to depose during the extended discovery period.
- (iv) No later than 5:00 p.m. on July 7, 2008, plaintiff shall provide to defendant the additional disclosures regarding its damages required by RCFC 26(a)(1)(C).

The court indicated to the parties its dissatisfaction with the level of cooperation exhibited in this litigation to date and its expectation that further discovery in this case will be conducted in good faith and with the maximum possible cooperation. Should further motions under RCFC 37 prove necessary, the court will not hesitate to impose attorney's fees on the losing party, should circumstances warrant.

**IT IS SO ORDERED.**

s/ Francis M. Allegra

Francis M. Allegra

Judge